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Director

## County of Los Angeles DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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February 11, 2005

To: Supervisor Gloria Molina, Chair  
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From:   
David Sanders, Ph.D.  
Director

### **SUPPORTING DOCUMENT TO FEBRUARY 15, 2005 BOARD AGENDA ITEM # 61 – DEPARTMENT OF CHILDREN AND FAMILY SERVICES ORAL REPORT, IN CONJUNCTION WITH THE ALLIANCE FOR CHILDREN'S RIGHTS**

On December 7, 2004, Lara Holtzman and Amy Pellman of The Alliance for Children's Rights (Alliance) and Dr. Jackie Acosta, Deputy Director of the Department of Children and Family Services (Department) addressed the Board in open session. The Alliance expressed concerns about actions taken by the Department when determining whether to take a child into protective custody and/or to provide ongoing services. The Department was directed to work with the Alliance and report back to the Board on February 15, 2005. This report reflects the content of that oral report.

The Alliance expressed the following two key concerns in their presentation to the Board of Supervisors:

- That the Department is not making thorough assessments of calls by family members and mandated reporters resulting in the inappropriate closure of referrals.
- That the Department is not following legal mandates when it fails to take a child into protective custody and leaves or places that child with a relative without opening a case.

The Alliance stated that their office has handled three calls per week during the past year. In letters sent to the Department on December 15, 2004 and to Chair of the Board Gloria Molina, on December 17, 2004 the Alliance made reference to 81 cases. In these cases the Department reportedly refused to investigate, failed to file a petition or failed to assist a family through informal intervention/supervision. Of the initial 81 cases, 35 cases went to Probate Court by means of the Alliance, 27 cases the Department opened (11 by means of WIC section 329), 19 cases were unresolved and do not have either an open case with the Department or Probate Guardianship. The Alliance has since provided information on 8 additional cases that the Department opened making there a total of 89 to be reviewed.

The Department and the Alliance met on January 11, 2005 to discuss general information regarding these cases, as well as to discuss the systematic approach the Department has taken and will continue to employ to address the issues raised. At the January 11 meeting information was requested on the 35 cases handled by Probate Court, so that the Department could review the circumstances of these cases and take any necessary follow-up action. The Alliance explained that due to confidentiality issues each family would have to be contacted individually to get permission to release information. Given these limitations, the Alliance and the Department agreed that a more positive outcome would be achieved if preventive strategies were developed from this point forward.

In regard to the initial 27 referrals (plus the 8 new cases recently provided), only 16 have been reviewed to date. Since the identities of the remaining cases were not provided by the Alliance until late January, the remaining 19 still are in the process of being investigated. Thus far, it has been determined that the cases are not centralized in one geographic area or program. Based on the small number reviewed to date we are not yet able to determine how pervasive this practice is. They did reveal that in the vast majority of the situations presented the children were already residing with a relative and that many were referred to the Alliance by the CSW as a means of resolving guardianship. They also demonstrate that the worker's assessment of the children's safety was either primarily focused on the family caregiver or was determined to be inconclusive as to the absent parent(s). During our review of these cases, we found the initial assessment to be inadequate and led the worker to closing the case without providing needed intervention. The CSW's referral for Guardianship appears inappropriate, as was the decision to close the case, since the Department ultimately opened all of them after being contacted by the Alliance. Once the review of the remaining 19 cases is complete we expect to have information that will further contribute to our mutual understanding and inform our practice.

Based on this case review, both the Department and the Alliance reached mutual agreement on what constitutes extreme situations, wherein a Children's Social Worker may have taken inappropriate action, despite training; reminders in staff and unit meetings; FYI publications on LAKIDS; and access to County Counsel. We agreed that

these situations are to immediately be brought to the Deputy Director's attention. In addition, if all intended mechanisms fail, as a last resort, WIC Section 329 filings are one means of bringing these cases back to the dependency court arena. This is an issue that the Department continues to address through a variety of means, including the use of Structure Decision Making (SDM), Family-Centered Team Decision-Making (FTDM), and Points of Engagement (POE).

Prior to the December 2004 Board presentation, several preventive strategies were already in place. The Department has monthly Advocate meetings that include the Director and Deputy Directors as well as several advocate work groups, one specifically on Relative Care. The purpose of these meeting is to discuss and resolve problematic issues in a timely manner as well as provide a forum for ongoing dialogue. We will continue to work with the Alliance and other advocate groups to strengthen this process for resolving problems. However, in fact, prior to the December 7, 2004 Board presentation, these issues were discussed and two policies were implemented, Procedural Guides 0100-510.21, Voluntary Placement and 0070-548.20, Taking Children Into Temporary Custody. One process, which has been enhanced after the December 7, 2004 presentation to the Board, provides for the Alliance and other advocates to bring their concerns to the Deputy Director or their designated contact person for follow-up and/or a review of case disposition. We are also exploring the possibility of directing the Alliance calls to the Department's Public Inquiry line, which would track these calls, alert the Deputy Director's office and request a response from the regional office within a set time frame.

Since the Board presentation, the Department posted on LAKIDS, the Department's intranet website, a "For Your Information" (FYI) Procedural Guideline entitled "Leaving a Child with a Relative". The FYI contains guidelines that clearly state that the Children's Social Worker is not to leave a child with a relative unless that relative as been assessed for suitability. The FYI also reminds staff that it is not appropriate to refer a relative to Probate Court to pursue legal guardianship as a means of avoiding dependency court proceedings. Reinforcement of staff consultation with County Counsel assigned to regional offices is another means to ensure that Children's Social Workers comply with legal mandates when deciding whether to take a child into protective custody and/or to provide ongoing services. Policy, training and staff consultation are also seen as primary tools for Departmental leadership to manage implementation of best practice at all levels within the organization in the interest of improving outcomes for children and families served. Additionally, all departmental policy and supporting training is based on State regulations (particularly California Department of Social Services Manual of Policies and Procedures - Division 31), state law, e.g., the Welfare and Institutions Code, as well as Federal regulations, including the Adoptions and Safe Families Act and Code of Federal Regulations. These sources of statute provide guidance and direction regarding child welfare services standards/practices, as well as outcome to be achieved.

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We will continue to work to strengthen the day-to-day decision-making of social workers through the mechanisms identified above and others. In addition, we believe these steps described above will bring problematic issues to the attention of the administrators and managers charged with the responsibility to ensure protocols and procedures are followed, for the safety and well-being of the children and families we serve.

If you have questions, please call me or your staff may contact Helen Berberian, Manager, Office of Board and Commission Relations at (213) 351-5530.

DS:JA:dsb

c: Chief Administrative Officer  
County Counsel  
Executive Officer, Board of Supervisors  
Janis Spire, Executive Director – The Alliance for Children's Rights